REMARKS

This responds to the Office Action mailed on <u>February 20, 2008</u>. Claims 1, 14, and 23 are amended, claims 12 and 21 are canceled. As a result, claims 21 are now pending in this application. Support for the claim amendments may be found, *inter alia*, as set out below:

Amendments to claim 1 find support at original claims 12 and 21; pg. 11, lines 28-29.

Amendments to claim 14 find support at original claims 12 and 21; pg. 11, lines 28-29.

Amendments to claim 23 find support at original claims 12 and 21; pg. 11, lines 28-29.

§103 Rejection of the Claims

Claims 1-4, 12, 14-17, 21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Branson et al. (U.S. Patent No. 6,425,126) in view of Schwaderer et al. (U.S. Patent No. 7,180,887). Applicants amend so as to clarify the claim language. Amended claim 1 states limitations that include:

> upon successfully transmitting the data element to the routing device, adjusting the list so that the list indicates that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list to be adjacent to the data element and to be closer to an end of the list than the data element.

By contrast, Branson et al. states:

> A software fix manager compares a preferred software inventory with a software inventory from a computer that is to be synchronized. *The software fix manager generates a number of synchronizations from this comparison, preferably packaging these synchronizations into a fix list.* An update manager uses the software fix list to apply software product synchronizations to the computer. Preferably, the computer can be brought to the same fix level or product level, if desired, as the preferred software inventory through this process.[1]

Further, Schwader et al. states:

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[1] Col. 3, lines 1-10 (emphasis added).

A table comprised of a plurality of entries with addresses associated therewith is built, wherein the entries are organized hierarchically according to an LC-Trie compression algorithm operating on the addresses. An Information packet is received within the computer system, wherein the information packet has a destination address associated therewith. The *table is searched* using an LC-Trie search algorithm to find a match between an address of *an entry in the table* and the destination address of the information packet. The information packet is transmitted to a forwarding address associated with the address of the matching entry.[2]

Both Branson et al. and Schwader et al. are silent as to "[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list to be adjacent to the data element and to be closer to an end of the list than the data element." Rather, Branson et al. describes, for example, "The software fix manager generates a number of synchronizations from this comparison, preferably packaging these synchronizations into a fix list." Additionally, Schwader et al. discloses "A table comprised of a plurality of entries with addresses associated therewith is built, wherein the entries are organized hierarchically according to an LC-Trie compression algorithm operating on the addresses." Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

As articulated above, Branson et al. in view of Schwaderer et al. are silent as to all the limitations of amended claim 1. Claims 2 through 4 depends upon amended claim 1.[3] Accordingly, Applicants submit that claims 2 through 4 are allowable.

With respect to the rejection of claim 14, Applicants amend so as to clarify the claim language. Amended claim 14 includes a limitation that states:

adjusting the list to indicate that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list adjacent to the data element and closer to an end of the list than the data element.

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[2] Col. 3, lines 24-35 (emphasis added).
[3] *See generally* MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

For the reasons outlined above with respect to claim 1,[4] Applicants submit that amended claim 14 is allowable. Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

As articulated above, Branson et al. in view of Schwaderer et al. are silent as to all the limitations of amended claim 14. Claims 15 through 17, and 21 depend upon amended claim 14. Accordingly, Applicants submit that claims 15 through 17, and 21 are allowable.

With regard to the rejection of claim 23, Applicants amend so as to clarify the claim language. Amended claim 23 includes a limitation that states:

> a module for adjusting the list so that the list indicates that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list adjacent to the data element and closer to an end of the list than the data element.

For the reasons outlined above with respect to claim 1,[5] Applicants submit that amended claim 23 is allowable. Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

Claims 5, 6, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Branson et al. (U.S. Patent No. 6,425,126) in view of Schwaderer et al. (U.S. Patent No. 7,180,887), further in view of Kaneko et al. (U.S. Patent No. 6,505,347). Applicants amend so as to clarify the claim language. Amended claim 1 states limitations that includes:

> upon successfully transmitting the data element to the routing device, adjusting the list so that the list indicates that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list to be adjacent to the data element and to be closer to an end of the list than the data element.

Further, Amended claim 14 includes a limitation that states:

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[4] *See* supra pg. 7-8.
[5] *See id.*

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE   Page 10
Serial Number: 10/748,343   Dkt: 1370.121US2
Filing Date: December 29, 2003
Title: METHOD FOR TRACKING TRANSMISSION STATUS OF DATA TO ENTITIES SUCH AS PEERS IN A NETWORK

> adjusting the list to indicate that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list adjacent to the data element and closer to an end of the list than the data element.

As previously stated, Branson et al. and Schwaderer et al. are silent as to these limitations. [6] Further, Kaneko et al. is silent as to these limitations. [7] Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

As articulated above, Branson et al. in view of Schwaderer et al. and Kaneko et al. are silent as to all the limitations of amended claims 1 and 14. Claims 5 through 6, and 18 depend upon amended claims 1 and 14 respectively. Accordingly, Applicants submit that claims 5 through 6, and 14 are allowable.

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Branson et al. (U.S. Patent No. 6,425,126) in view of Schwaderer et al. (U.S. Patent No. 7,180,887), further in view of D'Souza (U.S. Patent No. 5,666,523). Applicants amend so as to clarify the claim language. Amended claim 1 states limitations that includes:

> upon successfully transmitting the data element to the routing device, adjusting the list so that the list indicates that the routing device has received the transmitted data element[[.]], the adjusting including repositioning the routing device, represented as a member of the list, within the list to be adjacent to the data element and to be closer to an end of the list than the data element.

For the reasons outlined above with respect to amended claim 1, Branson et al. and Schwaderer et al. are silent as to this limitation[8] Additionally, Applicants submit that D'Souza is silent as to this limitation. [9] Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

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[6] *See* supra pgs.7-8.
[7] *See* Kaneko et al., title ("Control Information Generating Apparatus for Broadcast System").
[8] *See* supra pgs.7-8.
[9] *See* D'Souza ("Method and system for distributing asynchronous input from a system input queue to reduce context switches").

As articulated above, Branson et al. in view of Schwaderer et al. and D'Souza are silent as to all the limitations of amended claim 1. Claims 7 through 9 depend upon amended claims 1. Accordingly, Applicants submit that claims 7 through 9 are allowable.

Claims 10, 11, 13, 19, 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Branson et al. (U.S. Patent No. 6,425,126) in view of Schwaderer et al.(U.S. Patent No. 7,180,887), further in view of Fujiwara (U.S. Patent No. 6,301,710). Applicants amend so as to clarify the claim language. For the reasons cited above, Branson et al. in view of Schwaderer et al. are silent as to amended claims 1, and 14.[10] Further, Fujiwara is silent as to amended claims 1, and 14.[11] Applicants respectfully request the examiner withdraw her rejection under 35 U.S.C. § 103(a).

As articulated above, Branson et al. in view of Schwaderer et al. and Fujiwara are silent as to all the limitations of amended claim 1. Claims 10, 11, and 13 depend upon amended claims 1. Accordingly, Applicants submit that claims 10, 11 and 13 are allowable.

As articulated above, Branson et al. in view of Schwaderer et al. and Fujiwara are silent as to all the limitations of amended claim 14. Claims 19, 20, and 22 depend upon amended claims 1. Accordingly, Applicants submit that claims 10, 11 and 22 are allowable.

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[10] *See* supra pgs. 7-8.
[11] *See* Fujiwara, title ("System and method for creating a substitute registry when automatically installing an update program").

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The examiner is invited to telephone Applicants' attorney 408-278-4057 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date __May 20, 2008_____   By _____

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of 2008.

Jonathan Ferguson   / Jonathan Ferguson /

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Name   Signature